

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)	ORDER FINDING
BY MARGARET FIGERT, MISSION, SOUTH)	PROBABLE CAUSE AND
DAKOTA, AGAINST U S WEST)	NOTICE REQUIRING
COMMUNICATIONS, INC. REGARDING POOR)	ANSWER
SERVICE AND A REQUEST TO HAVE LINES)	
UPDATED)	TC98-212

On December 11, 1998, the Public Utilities Commission (Commission) received a complaint filed by Margaret Figert, Mission, South Dakota (Complainant), against U S WEST Communications, Inc. (U S WEST), regarding poor service. Complainant outlines a series of frequent service outages, unreliable service, and poor quality of service. Complainant requests an upgrade in service or that the exchange be sold to Golden West Telecommunications Cooperative, Inc.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On December 30, 1998, at a duly noticed meeting, Complainant did not appear. Commission Staff recommended a finding of probable cause due to unresolved factual issues and the fact that the home prefix of the Complainant's number was the same as the Klein dockets which are currently pending. A representative of U S WEST concurred with Staff's position.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-13-1, 49-13-4, 49-13-13, 49-13-14.1, 49-31-3, 49-31-7, 49-31-7.1, 49-31-11, 49-31-60 through 49-31-68, inclusive, and ARSD 20:10:01:08.01 and 20:10:01:09. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and that the complaint shall be forwarded to U S WEST and U S WEST shall file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 6th day of January, 1999.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner